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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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ROGER RUBEN DELGADO, #22578-078

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:16-CV-716  
CRIMINAL ACTION NO. 4:14CR00034-001

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (#16) concluding that Movant's Motion to Withdraw Movant's Pending 28 U.S.C. § 2255 Motion (#15) be granted. Movant has filed a response (#18) specifying that he has no objections.

The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court.

It is therefore **ORDERED** that the Motion to Withdraw Pending 28 U.S.C. § 2255 Motion (#15) is **GRANTED**, that the Motion to Vacate, Set Aside or Correct Sentence by Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and that the case is **DISMISSED** with prejudice. Fed. R. Civ. P. 41(a)(2). All motions not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 4th day of February, 2019.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE